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DE RUEHMD #0095 0290826  
ZNR UUUUU ZZH  
P 290826Z JAN 09  
FM AMEMBASSY MADRID  
TO RUEHC/SECSTATE WASHDC PRIORITY 0130  
INFO RHMFIUU/FAA WASHINGTON ARTCC WASHDC PRIORITY  
RUCNMEM/EU MEMBER STATES COLLECTIVE  
RUEHLA/AMCONSUL BARCELONA 3773

UNCLAS MADRID 000095

SIPDIS

EEB/TRA/OTP: KGUSTAVSON

E.O. 12958: N/A

TAGS: ECON SP EAIR

SUBJECT: CIVAIR: LAWS PREVENT SPAIN FROM ACTING ON U.S.  
AIRSPACE VIOLATIONS

REF: A. SECSTATE 132067

1B. SECSTATE 132439

1C. 08 MADRID 01127

11. (U) Post acknowledges receipt of reftels A (Docket number 2008EA290014) and B (Docket number 2008EA290015). However, as per the information received from Santiago Quiros Babillo, area officer at the Ministry of Infrastructure's Civil Aviation Directorate (ref C), Spain does not have the legal authority to investigate or take judicial action against citizens or residents of Spain who commit airspace violations in the United States or any other foreign airspace. Laws 21/2003 and 48/1960 are clear in this regard, limiting Spain to action solely related to its own airspace. Given these laws, the GOS has indicated to us that it will not be able to accept requests or invitations to pursue investigations on any U.S. air space violations. Absent legal changes, post does not believe it productive to continue sending the FAA investigation files to post.

12. (U) For further information, please contact CivAir Officer Lourdes Lamela, 011-34-91-587-2399, LamelaLM@state.gov.

CHACON